

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STANLEY SVED, derivatively on behalf §
of Nominal Defendant Home Solutions §
of America, §

Plaintiff, §

v. §

Civil Action No. 3:06-CV-1135-N

MICHAEL S. CHADWICK, *et al.*, §

Defendants. §

ORDER

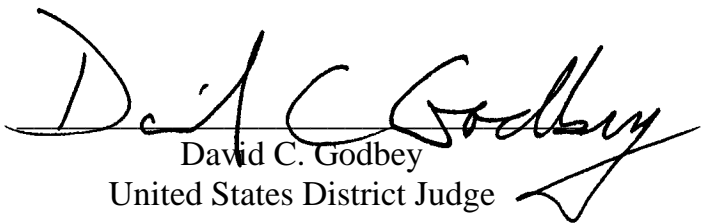
This Order addresses Derivative Plaintiff Stanley Sved's ("Sved") application, pursuant to the parties' derivative settlement agreement, for attorneys' fees, expenses, and an incentive award to the derivative plaintiff [66]. Defendants did not respond to the application. Because the Court finds that the application is fair and reasonable, it grants Sved's request.

When considering whether a fee award is reasonable, a district court must consider: (1) the time and labor involved; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to the acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the political "undesirability" of the case; (11) the nature and length of the professional

relationship with the client; and (12) awards in similar cases. *Johnson v. Ga. Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir. 1974).

Upon consideration of these factors, the Court finds that Sved's application is fair and reasonable. Accordingly, it approves the payment of \$250,000 in attorneys' fees and reimbursement of expenses to Plaintiff's Counsel as agreed to in Paragraph 9 of the Stipulation of Compromise and Settlement filed with the Court on November 10, 2008 (the "Stipulation") [54]. Of this amount, \$200,000 shall be paid in cash and \$50,000 shall be paid in Home Solutions stock as set forth in Paragraph 9 of the Stipulation. The Court further approves the award of an incentive fee in the amount of \$2,000.00 to be paid to Plaintiff Sved from the portion of the attorneys' fee award received by Plaintiff's counsel.

Signed March 31, 2010.


David C. Godbey
United States District Judge